

From: [Keith, Jennie](#)
To: [McGartland, Al](#); [Abboud, Michael](#); [Raymond, Kelley](#); [Tyree, Robin](#)
Cc: [Clarke, Victoria](#); [Fugh, Justina](#); [Keith, Jennie](#)
Subject: (ETHICS) Gift Determination for API Luncheon - January 7
Date: Thursday, December 26, 2019 3:07:00 PM
Attachments: [API SOAE Invite.pdf](#)

Hi There!

I understand that you have received or will receive an invitation to API's State of Energy Luncheon taking place on January 7, 2020. I am sending this determination to you because you are either in career or administratively determined (AD) appointed positions. This ethics determination is good for you only; so if you hear of others like you who have been invited and would like to attend, please send them my way. I have already sent political appointees ethics guidance on how to attend this event, should they want to attend. You're different, so please rely upon this email for your ethics advice.

This luncheon event is a gift. There is a meal provided and your participation in the event amounts to attendance only (e.g., no speaking). The gift qualifies for an ethics gifts exception under the Widely-Attended-Gathering rule. I determine that your attendance will further agency programs and operations should you choose to attend. You may accept this gift, if you like.

Important Reminders

You are personally accepting this gift in your individual capacity. That means that you cannot attend the using official duty time. So, you need to be in a non-working status (e.g., lunch hour) and/or leave status as appropriate. Also, you cannot use agency resources to attend the event, e.g., you cannot voucher for the local travel or use your government SmartBenefits metro subsidy to attend the event.

Let me know if you have further questions or I can be of more assistance.

Thanks!

Jennie for OGC/Ethics

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-3412 | fax 202-564-1772

THIS IS PROGRESS



THE STATE OF AMERICAN ENERGY

Washington has diverging views on America's energy future. Yet nearly all Americans agree that we need affordable solutions to meet growing demand for cleaner energy while addressing the risks of climate change. America's natural gas and oil is meeting this growing demand, while also fueling economic growth in communities across the country. Today the U.S. leads the world in producing natural gas and oil and in reducing U.S. emissions to their lowest levels in a generation. This is a goal that every U.S. president has articulated for the past 50 years, and it was made possible by American ingenuity, grit and technological innovation. Join us as for the 11th Annual State of American Energy as we explore America's energy progress - from a resurgence in U.S. manufacturing and American jobs to advancing environmental protections.

Sincerely,



MIKE SOMMERS
President and CEO, American Petroleum Institute



RSVP

BY DECEMBER 20th

This invitation is non transferable.

YES

NO

WHEN

Tuesday, January 7th, 2020
11:30 a.m. — 1:30 p.m.

WHERE

The Anthem

901 Wharf St SW
Washington, D.C. 20024

Parking will be limited, we suggest utilizing ridesharing services to and from the event.

This event has been designed to comply with the gifts and ethics rules of the U.S. Senate and House of Representatives as a "widely attended event." Employees of the executive branch may wish to consult their Designated Agency Ethics Official about any rules that may apply to their attendance at this event.

From: [Keith, Jennie](#)
To: [Raymond, Kelley](#)
Subject: RE: (ETHICS) API Luncheon - January 7
Date: Monday, December 23, 2019 12:47:00 PM

Hi Kelley, You haven't signed the President's Ethics Pledge, correct? If not, then we have the whole panoply of ethics gifts exceptions available, and I can apply one to allow you to accept this as a gift. Although, if you want to pay, you may certainly do so. As to your other question, attending the event but not eating doesn't mean you didn't accept a gift. So, we will advise that the event is a gift. For you, because you're not political, we can apply a gift exception to allow you to accept the gift; but you may personally pay if you rather not accept the gift.

Does this help?

Jennie for OGC/Ethics

From: Raymond, Kelley <Raymond.Kelley@epa.gov>

Sent: Monday, December 23, 2019 12:41 PM

To: Keith, Jennie <Keith.Jennie@epa.gov>

Subject: RE: (ETHICS) API Luncheon - January 7

Jennie-

Appreciate you reaching out! Just wanted to be sure I read it correctly that this applies for those of us who are AD in the same way, and that the amount would be due whether we're accepting the lunch or not, correct?

And Happy Holidays!

Kelley Raymond

Office of Air and Radiation

U.S. Environmental Protection Agency

From: Keith, Jennie <Keith.Jennie@epa.gov>

Sent: Monday, December 23, 2019 12:12 PM

To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: (ETHICS) API Luncheon - January 7

Hi there! I understand you also received invitations to this event, but you are both AD appointees, correct (Administratively Determined)? If you're interested in attending, please let me know and I can advise you (see message below for advice to political appointees). Thank you! Jennie for OGC/Ethics

From: Keith, Jennie <Keith.Jennie@epa.gov>

Sent: Monday, December 23, 2019 12:09 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Servidio, Cosmo <Servidio.Cosmo@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Block, Molly <block.molly@epa.gov>

Cc: Eng, Connie <Eng.Connie@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Tyree, Robin

<Tyree.Robin@epa.gov>; Kitamura, Louise <Kitamura.Louise@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Yeany, Philip <Yeany.Philip@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Monroe, Scott <Monroe.Scott@epa.gov>

Subject: (ETHICS) API Luncheon - January 7

Hi There!

You're friendly ethics official here, chiming in with not-so-merry ethics advice this morning. I understand you received an invitation to a private luncheon (i.e., not open to the public) for API's State of the Energy event on Tuesday, January 7, 2020. Several EPA political appointees have received this invitation and I am providing this ethics advice to you in the event you want to accept the invitation and attend the event.

President's Ethics Pledge

This is a **prohibited gift** under the President's Ethics Pledge. Pursuant to the Lobbying Gift Ban (a section within the President's Ethics Pledge), you cannot accept gifts from federally registered lobbyists. American Petroleum Institute (API) is a federally registered lobbyist. The gift is the meal provided at the event. Therefore, because there is a meal provided by a federally registered lobbyist, this is a prohibited gift. The value of the luncheon is \$38.

I want to attend this event. How can I attend?

If you would like to attend this event, then you may write a personal check made to the order of API. API will be accepting payment at the event via any of its representatives at the door. Paying for the luncheon means it is no longer a gift and therefore, you have not accepted a gift from a federally registered lobbyist. The Agency cannot pay for this event.

I have cc'd your respective ethics officials / staff members supporting this event as a courtesy. Please advise OGC/Ethics whether you plan to attend by responding to this email.

Thanks!

Jennie for OGC/Ethics

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-3412 | fax 202-564-1772

From: [Raymond, Kelley](#)
To: [Griffo, Shannon](#)
Subject: RE: Follow up
Date: Thursday, January 09, 2020 9:42:27 AM

Sure Shannon – they are [REDACTED] (b) (6)

[REDACTED]
Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, January 9, 2020 8:56 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: RE: Follow up

Just when I thought it was done – one more question. You list (b) (6) [REDACTED]
[REDACTED] I can add that info into Integrity
if you get it to me.

Thanks!
Shannon
Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, January 06, 2020 1:42 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Follow up

Shannon-
Apologies for that – I was somewhat confused on the categories there, so appreciate you amending it for me!
Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, January 6, 2020 1:40 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: RE: Follow up

Hi Kelley,
Thanks for the follow-up! An email for you is on my to do list (more of a cautionary note summarizing my voicemail about (b) (6) [REDACTED]), but I first wanted to certify your public financial disclosure report. In order to do that, I need to double check your “Filer Category.” You put “Schedule C” in Integrity, but are you still in an Administratively Determined appointment? If you are still an AD appointment, I’m going to change the Category to “Other” in Integrity.

Thanks,
Shannon
Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Raymond, Kelley <Raymond.Kelley@epa.gov>

Sent: Monday, January 06, 2020 1:03 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: Follow up

Shannon-

Thank you for the message! Apologies for missing you over the holidays. But I do appreciate the follow up, and will ensure that I keep in mind the additional recusal for (b) (5) DPP. I'm told by colleagues it should not be a concern, as they're not a usual stakeholder for our office. But nevertheless, I'll ensure I'm not put on any meetings with them, and know you'll likely have a further written guidance for me, so happy to review anything you'd like me to keep in mind when it comes to (b) (5) DPP. Happy New Year!

Kelley Raymond

Senior Advisor for the Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-2949
Cell: 202-924-3385
raymond.kelley@epa.gov

From: [Raymond, Kelley](#)
To: [Griffo, Shannon](#)
Cc: [Idsal, Anne](#); [Campbell, Ann](#); [Harlow, David](#)
Subject: RE: Follow-up from OGC/Ethics
Date: Tuesday, January 14, 2020 9:46:26 AM

Shannon-

Thank you for the follow up in writing. I'm cc'ing Anne Idsal, Ann Campbell, and David Harlow for awareness and records. The issue areas and former employer we have previously discussed and we've ensured I remain recused from, and while we currently have no particular matters with (b) I am aware of, due to the financial conflict I will ensure I remain vigilant.

Appreciate all your help with this!

Kelley Raymond

Office of Air and Radiation

U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Tuesday, January 14, 2020 9:21 AM

To: Raymond, Kelley <Raymond.Kelley@epa.gov>

Subject: Follow-up from OGC/Ethics

Hi Kelley,

In reviewing your OGE-278 (Public Financial Disclosure Report) in INTEGRITY, we noticed that you reported owning an interest that might be affected by the performance of your official duties. The asset appears to be over the regulatory thresholds, so we are sending you this cautionary note to remind you to take appropriate steps to ensure that you do not have a conflict of interest.

Remember, it is your obligation to ensure that your private interests (including your assets) do not conflict with your public duties. Based on our discussions and your work in OAR, it sounds unlikely that an actual conflict will arise, but this is just a reminder to be vigilant!

Financial Conflict of Interest - Why Do We Raise Concerns?

A criminal statute, 18 U.S.C. §208(a), bars you from participating in any "particular matter" that affects any of your own interests or any imputed interest (e.g., spouse or dependent children). Your interests include not only ownership interests (e.g., stock, bonds, mutual funds) but also the interests of outside entities (e.g., any organization in which you are serving as an officer, director, or trustee) and prospective employers (any entity with which you are seeking future employment). So you can't participate in any particular matter that will have a direct and predictable effect on your financial interest.

The important point to remember here is that 18 U.S.C. §208(a) is a criminal statute. A knowing violation of this statute can result in criminal prosecution and penalties. It's important to understand the elements of the financial conflict of interest statute. You have to participate "personally and substantially" in a "particular matter" in order for there to be a conflict of interest, and there has to be a "direct and predictable" effect on your financial interests.

What is a particular matter?

A "particular matter" involves any deliberation, decision or action and that is focused on the interests of specific persons/organizations or any identifiable class of persons. It includes "specific party" matters (e.g., contracts, grants, assistance agreements, lawsuits, enforcement action, permits, licenses, audits) and matters of "general applicability" (e.g., rulemaking or policy matters) that distinctively affect a particular industry or identifiable class of persons.

What is “personal and substantial” participation?

Personal participation means that you were personally involved in the matter or that you directed or controlled a subordinate’s participation. Substantial participation means that your involvement in the matter was of significance, which includes decision-making, review or recommendation as to an action being taken, signing or approving a final document, and/or participating in a final decision briefing.

What is a “direct and predictable” effect on a financial interest?

The effect must be direct and predictable and not speculative (though the actual dollar amount does not need to be ascertained). There must be close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest.

YOUR FINANCIAL INTEREST OF CONCERN

As you know from our previous correspondence, we identified the following financial interest that may be affected by the performance of your official duties and that exceeds the regulatory exemption levels. This does not necessarily mean that you have a current conflict of interest, but we want to flag the asset for you:

- (b) (4)

Regulatory Exemption Levels

There are different regulatory exemption levels, depending on the type of particular matter. You can still participate if you own less than the levels below:

SPECIFIC PARTY MATTER e.g., an enforcement action against ABC Widget Company	MATTER OF GENERAL APPLICABILITY e.g., working on a rulemaking that affects all widget manufacturers
≤\$15,000 aggregate in ABC Widget Co. ≤\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	≤\$25,000 aggregate in any one widget maker (e.g., ABC Widget Corp. or DEF Widget Corp.) ≤\$50,000 aggregate in all affected parties (all widget makers)

So for (b) (4), if you own more than \$25,000, then you must recuse from participating personally and substantially in any particular matter that will have a direct and predictable effect upon (b) (4) as a specific party or as a member of an affected class, including any particular matter of general applicability (e.g., rulemaking) that is focused on the sector in which (b) (4) operates.

What to do if you’re worried about a conflict

If you are concerned that you have a conflict, contact OGC/Ethics immediately. We will go over the available options for you. Typically, potential conflict of interests are resolved in one of the following ways:

- 1) Don’t participate. This means that you do not participate in the matter at all, including attending meetings, receiving briefings or being copied on substantive documents. We recommend that you document your recusal in writing, with a copy to OGC/Ethics.
- 2) Divest entirely or get below the regulatory threshold. You can either sell outright on your own or, if the sale will result in a tax liability for capital gains, then you may instead contact OGC/Ethics for a “Certificate of Divestiture” before you sell. This will enable you to defer capital gains tax, but you have to ask OGC/Ethics for assistance before you divest.
- 3) Ask for a waiver. Only the Agency’s Designated Agency Ethics Official (DAEO) in OGC is authorized to waive the prohibition of 18 U.S.C. §208(a) where the interest is “not so substantial as to be deemed likely to affect the integrity of services which the Government may expect.” OGC must consult with another federal agency before issuing a waiver, which are rarely granted.

* * * * *

Other RECUSALS

Since you are in an Administratively Determined position and subject to the federal impartiality standards, you have a “covered relationship” with your former employer, Air Conditioning Heating & Refrigeration Institute (AHRI), and for one year from your appointment, you are prohibited from working on any specific party matter where AHRI is a party or represents a party. As an AD appointee, you aren’t required to sign the Trump Ethics Pledge. But if you are later converted to a political position as a Schedule C or non-career SES, you will have to sign the pledge and be subject to those additional restrictions Justina discussed in her October 17, 2019 emails to you (including those restrictions for former federally registered lobbyists, and the 2 year restriction for your former employer).

That being said, I understand that as a prudential matter, you have voluntarily recused yourself from certain matters on which you previously lobbied, including refrigerants (SNAP and 608), any international efforts such as Montreal Protocol implementation, as well as Energy Star.

I don’t see the need for a formal written recusal memo at this time. But if you are later converted, let’s touch base to discuss those ethics pledge obligations, and I can draft something more formal for you to sign notifying folks about your recusal obligations.

I think that’s it for now, but please don’t hesitate to reach out if you have any questions!

Thanks,

Shannon

Shannon Griffo

Ethics Attorney

Office of General Counsel, Ethics

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: [Fugh, Justina](#)
To: [Griffo, Shannon](#)
Cc: [Clarke, Victoria](#); [Mosley, Ferne](#)
Subject: FW: FW: Hello from EPA Ethics!
Date: Monday, November 04, 2019 8:33:15 AM
Attachments: [OGE Form 278e 2019 Kelley Raymond.xls](#)

Hi Shannon,

Kelley Raymond did a "first stab" at her assets so you can get an inkling of their assets here. I

(b) (5) She will need to have a new entrant report assigned to her in INTEGRITY but I sometimes need to wait a day or two until people get their email addresses assigned to them.

Justina

From: Kelley Raymond [mailto:(b) (6)]
Sent: Monday, November 04, 2019 7:24 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: FW: Hello from EPA Ethics!

Apologies for the delay! Here's the first take we have. I start today at the EPA, so I'll be around for us to discuss more shortly!

On Sun, Oct 27, 2019 at 7:15 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Kelley,

Oh, good for you! I won't be able to provide you with any advice about possible financial conflicts of interest until I get a sense for your assets. So if you sent me your "first stab," then I could at least get a sense as to whether you will be a "complicated" filer or not.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kelley Raymond [mailto:(b) (6)]
Sent: Saturday, October 26, 2019 2:50 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: FW: Hello from EPA Ethics!

Justina-

Wanted to check back - we took our first stab at filling out the spreadsheet. I know you mentioned this would be an online form, however, so I'm wondering if we should just hold on to this for now? For context, my first day with the EPA will be November 4 - right around the corner! So anything I should do ahead of time I want to ensure I complete.

Thanks so much!!

-Kelley

On Thu, Oct 17, 2019 at 9:43 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

I forgot to add a bullet for you about the fact that (b) (5)

RECUSALS

- Because I don't yet know about your financial interests, the only entity I can anticipate being on your recusal statement is AHRI. Oh, and if you serve in a fiduciary position on any board or organization, then we'll include that entity as well. Depending on your stocks and bonds, there may be other restrictions.

- (b) (5)

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Thursday, October 17, 2019 9:37 AM

To: (b) (6)

Subject: Hello from EPA Ethics!

Hi there,

Thanks for talking to me. It was a pleasure to chat with you, and I'm sorry that this note took longer to get to you than expected. As I explained earlier, I'm here to help explain the ethics rules that will apply to you when you join EPA's Office of Air and Radiation as an Administratively Determined appointee. We discussed the possibility that you may later be converted to a Schedule C position. If that happens, then you will need to sign the Trump ethics pledge. This note provides you with the broad brush strokes of your obligations under the federal ethics laws and regulations as well as the Trump Ethics Pledge as set forth by Executive Order 13,770 (see attached).

FINANCIAL CONFLICTS OF INTEREST

- You will be required to fill out a public financial disclosure report to help us to ascertain your potential conflicts issues. Put simply, we will be looking at your ownership interests in stocks, bonds, sector mutual funds as well as any fiduciary positions that you hold in entities. This form, called the OGE-278e, is a wretched and exacting document that you will fill out electronically. To give you an idea of what we'll be asking, I've attached a paper version, but I won't formally assign you the report until you start at EPA (unless, for some reason, you decide you want to get to it before hand). I know that you need to confer with (b) (6). From what you indicated, though, your financial interests may not present direct conflicts at EPA.
- When you can connect with your husband, I'll need to know more about what you invest in and how much you own in order to provide any advice about financial conflicts. If you look at Part 2 of the attached excel spreadsheet (and the

instructions), you'll see the information that I need.

- Generally speaking, you can't work as part of your official duties on particular matters if you own stocks or bonds in the affected companies. There are, however, different regulatory exemption levels for financial interests, depending on the type of particular matter (i.e., specific party or general applicability). Here is a chart to illustrate this point. If you own less than the regulatory exemption amounts below, then you may participate in the matter. If you own more, then you have a conflict of interest and need to consult with us in OGC/Ethics.

Specific Party Matter (e.g., evaluating an ABC Widget Corp. product)	General Applicability Matter (e.g., regulation affecting all Widget Makers)
<\$15,000 aggregate in the specific party (ABC Widget Corp.) <\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	<\$25,000 aggregate in any one widget maker (e.g., ABC Widget Corp. or DEF Widget Corp.) <\$50,000 aggregate in all affected parties (all widget makers)

- I expect that you have a defined contribution plan with your current employer and possibly with former employers but those will not involve stock ownership in those entities. You won't have any conflicts issues with your spouse's employer (b) (6) You will have to report any 529 plans and whole life insurance as well as cash accounts. It's a very intrusive form!
- I can't assess your financial conflicts until I know what you own. But don't sell anything on your own before talking to me! In some cases, we can direct you to sell but allow you to defer any capital gains. I've attached a pamphlet that explains that program just for your information.

TRUMP ETHICS PLEDGE (for later)

- The pledge places additional restrictions upon political appointees with respect to their former employers. For the purposes of the pledge, we have to go back two years, which means that you have one entity to mention: Air Conditioning Heating & Refrigeration Institute (AHRI).
- Under the pledge, you will be restricted for two years (from the date you join EPA) from participating personally and substantially in any particular matter that involves AHRI as a party or in which it represents a party. You will not be permitted to meet with AHRI or interact with them in your official capacity. In addition, you will be restricted for two years from participating personally and substantially in any specific party matter in which AHRI is a party or represents a party. You will

also not be able to attend any meeting at which they are present, unless the subject matter of the discussion is generally applicable to a wider audience (such as all of the members of an affected sector) and at least four other entities representing a diversity of interests are present, besides them.

RECUSALS

- Because I don't yet know about your financial interests, the only entity I can anticipate being on your recusal statement is AHRI. Oh, and if you serve in a fiduciary position on any board or organization, then we'll include that entity as well. Depending on your stocks and bonds, there may be other restrictions.

That's my quick overview, but I tried not to burden you with attachments or citations. I can provide you more information if you want, though, so just ask!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: (b) (6)
Subject: FW: Hello from EPA Ethics!
Date: Thursday, October 17, 2019 9:43:00 AM
Attachments: [P45 Executive Order.pdf](#)
[OGE Form 278e 2019 Final.xls](#)
[Smooth Sales Pamphlet.pdf](#)

I forgot to add a bullet for you about the fact that (b) (5)

(b) (6) :

RECUSALS

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- (b) (5)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Thursday, October 17, 2019 9:37 AM

To: (b) (6)

Subject: Hello from EPA Ethics!

Hi there,

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- When you can connect with your husband, I'll need to know more about what you invest in and how much you own in order to provide any advice about financial conflicts. If you look at Part 2 of the attached excel spreadsheet (and the instructions), you'll see the information that I need.
- Generally speaking, you can't work as part of your official duties on particular matters if you own stocks or bonds in the affected companies. There are, however, different regulatory exemption levels for financial interests, depending on the type of particular matter (i.e., specific party or general applicability). Here is a chart to illustrate this point. If you own less than the regulatory exemption amounts below, then you may participate in the matter. If you own more, then you have a conflict of interest and need to consult with us in OGC/Ethics.

Specific Party Matter (e.g., evaluating an ABC Widget Corp. product)	General Applicability Matter (e.g., regulation affecting all Widget Makers)
<\$15,000 aggregate in the specific party (ABC Widget Corp.) <\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	<\$25,000 aggregate in any one widget maker (e.g., ABC Widget Corp. or DEF Widget Corp.) <\$50,000 aggregate in all affected parties (all widget makers)

- I expect that you have a defined contribution plan with your current employer and possibly with former employers but those will not involve stock ownership in those entities. You won't have any conflicts issues with your spouse's employer since (b) (6). You will have to report any 529 plans and whole life insurance as well as cash accounts. It's a very intrusive form!
- I can't assess your financial conflicts until I know what you own. But don't sell anything on your own before talking to me! In some cases, we can direct you to sell but allow you to defer any capital gains. I've attached a pamphlet that explains that program just for your information.

TRUMP ETHICS PLEDGE (for later)

- The pledge places additional restrictions upon political appointees with respect to their former employers. For the purposes of the pledge, we have to go back two years, which means that you have one entity to mention: Air Conditioning Heating & Refrigeration Institute (AHRI).
- Under the pledge, you will be restricted for two years (from the date you join EPA) from participating personally and substantially in any particular matter that involves AHRI as a

party or in which it represents a party. You will not be permitted to meet with AHRI or interact with them in your official capacity. In addition, you will be restricted for two years from participating personally and substantially in any specific party matter in which AHRI is a party or represents a party. You will also not be able to attend any meeting at which they are present, unless the subject matter of the discussion is generally applicable to a wider audience (such as all of the members of an affected sector) and at least four other entities representing a diversity of interests are present, besides them.

RECUSALS

- Because I don't yet know about your financial interests, the only entity I can anticipate being on your recusal statement is AHRI. Oh, and if you serve in a fiduciary position on any board or organization, then we'll include that entity as well. Depending on your stocks and bonds, there may be other restrictions.

That's my quick overview, but I tried not to burden you with attachments or citations. I can provide you more information if you want, though, so just ask!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

The White House
Office of the Press Secretary
For Immediate Release
January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

- - - - -

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.

"2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.

"3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

"4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political

party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

"5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

"7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.

"8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

"9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service."

Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(b) "Appointee" means every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) "Covered executive branch official" shall have the definition set forth in the Lobbying Disclosure Act.

(d) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(e) "Executive agency" and "agency" mean "executive agency" as defined in section 105 of title 5, United States Code, except that the terms shall include the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission, and excludes the Government Accountability Office. As used in paragraph 1 of the pledge, "executive agency" means the entire agency in which the appointee is appointed to serve, except that:

(1) with respect to those appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the appointee ceased to serve in that department or agency; and

(2) an appointee who is detailed from one executive agency to another for more than 60 days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.

(f) "Foreign Agents Registration Act of 1938, as amended" means sections 611 through 621 of title 22, United States Code.

(g) "Foreign government" means the "government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(e).

(h) "Foreign political party" has the same meaning as that term has in section 1(f) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(f).

(i) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(k) "Gift"

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3), (j), (k), and (l) of title 5, Code of Federal Regulations.

(l) "Government official" means any employee of the executive branch.

(m) "Lobbied" shall mean to have acted as a registered lobbyist.

(n) "Lobbying activities" has the same meaning as that term has in the Lobbying Disclosure Act, except that the term does not include communicating or appearing with regard to: a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. 551 *et seq.*

(o) "Lobbying Disclosure Act" means sections 1601 *et seq.* of title 2, United States Code.

(p) "Lobbyist" shall have the definition set forth in the Lobbying Disclosure Act.

(q) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child, or parent.

(r) "Particular matter" shall have the same meaning as set forth in section 207 of title 28, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(s) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(t) "Participate" means to participate personally and substantially.

(u) "Pledge" means the ethics pledge set forth in section 1 of this order.

(v) "Post-employment restrictions" shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(w) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.

(x) Terms that are used herein and in the pledge, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.

(y) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2017.

Sec. 3. Waiver. (a) The President or his designee may grant to any person a waiver of any restrictions contained in the pledge signed by such person.

(b) A waiver shall take effect when the certification is signed by the President or his designee.

(c) A copy of the waiver certification shall be furnished to the person covered by the waiver and provided to the head of the agency in which that person is or was appointed to serve.

Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:

(1) to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; and

(2) to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or such other official or officials to whom the President delegates those duties.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this Executive Order are made available for use by agencies in fulfilling their duties under section 4(a);

(2) in consultation with the Attorney General or Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 5 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations; and

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 8 of the pledge is honored by every employee of the executive branch;

(d) An appointee who has signed the pledge is not required to sign the pledge again upon appointment or detail to a different office, except that a person who has ceased to be an appointee, due to termination of employment in the executive branch or otherwise, shall sign the pledge prior to thereafter assuming office as an appointee.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or civil judicial proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from engaging in lobbying activities with respect to that agency for up to 5 years in addition to the 5-year time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action on behalf of the United States against the former officer or employee in any United States District Court with jurisdiction to consider the matter.

(d) In such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former officer or employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former officer or employee arising out of any breach or attempted breach of the pledge signed by the former officer or employee.

Sec. 6. General Provisions. (a) This order supersedes Executive Order 13490 of January 21, 2009 (Ethics Commitments by Executive Branch Personnel), and therefore Executive Order 13490 is hereby revoked. No other prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.

(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) The pledge and this order are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to an executive department, agency, or the head thereof; or

(2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

DONALD J. TRUMP

SMOOTH SALES

A BEGINNER'S GUIDE TO CERTIFICATES OF DIVESTITURE

Introduction

If you are an executive branch employee of the Federal Government or plan to become one, at some point you may have to sell certain assets to avoid a conflict of interest or the appearance of a conflict. Under tax rules, the sale of an asset may cause you to have a taxable capital gain which must be reported to the Internal Revenue Service. However, to make it easier for you and your family to comply with ethics rules, the tax laws provide that before you sell your asset, the Director of the Office of Government Ethics (OGE) may issue a Certificate of Divestiture (called a CD) which will allow you to defer the capital gains tax. The CD does not eliminate the capital gains tax; it simply defers payment of the tax to some future date.

The Office of Government Ethics is the agency that administers the CD program. The Director of OGE issues CDs to employees through their designated agency ethics officials.

This pamphlet provides an overview of the CD program. It contains answers to some questions often asked by employees who are required to divest property because of a conflict of interest. This pamphlet does not cover every issue that may arise, and it is not a substitute for counseling. For specific advice about your situation, you should consult your designated agency ethics official.

Frequently Asked Questions

Can I get a CD any time I sell property?

No. A CD can be obtained only if:

- ☐ you have not yet sold the property;
- ☐ the sale is required to eliminate or prevent a conflict of interest;
- ☐ there would be a capital gain; and
- ☐ the request is submitted through your designated agency ethics official and approved by the Director of OGE.

Requests for CDs are considered on a case-by-case basis and may not always be approved. If your request involves a complicated situation, such as when the property to be sold is held in a trust, you should talk to your designated agency ethics official or OGE as soon as possible.

Who is eligible for a CD?

- ☐ Officers and employees of the executive branch of the Federal Government, except a person who is a "special Government employee," as defined in 18 U.S.C § 202;
- ☐ The spouse or minor or dependent child of such persons; and
- ☐ Under certain circumstances, a trustee holding property in a trust.

How do I apply for a CD?

☐ You must make a written request to your designated agency ethics official that includes a commitment to divest within a specified time period.

☐ Your designated agency ethics official then sends your request to the Director of OGE with:

- 1 a description of the property to be sold;
- 2 a statement from your designated agency ethics official indicating that the divestiture is necessary; and
- 3 if you file a financial disclosure report, a copy of your report. If you do not file a financial disclosure report, your designated agency ethics official must submit a memorandum that contains the information required to be disclosed in such a report.

What are the time requirements for requesting a CD?

- ☐ If you are divesting property because of an ethics agreement, your designated agency ethics official must submit your request and the required materials to OGE within three months of the date of the ethics agreement.
- ☐ If you are selling property required to be divested by statute, regulation, or executive order, your designated agency ethics official must submit your request and the required materials to OGE within

three months and ten days after the requirement becomes applicable.

What should I do once I receive the CD?

You must sell the property described in the CD within the required time frame and reinvest in so-called “permitted property” within 60 days, including the date of sale. Keep the Certificate and file it with IRS Form 8824 along with your Federal income tax return for the year in which the sale took place.

In what “permitted property” must I reinvest?

- ☐ United States obligations, such as Treasury bills, bonds, and notes; or
- ☐ open-end diversified mutual funds.

Note that when you sell permitted property or a United States obligation matures, you will incur the capital gains tax that was deferred.

Where can I learn more about CDs?

You can consult with your designated agency ethics official or OGE

with any questions regarding CDs or the CD program. However, since your agency ethics official and OGE cannot provide you with tax advice, you should ask your personal tax advisor, accountant, or attorney if you have questions about the tax implications of a CD. They can find detailed information at:

- ☐ Section 1043 of the Internal Revenue Code of 1986; and
- ☐ Regulations starting at 5 C.F.R. § 2634.1001.

SMOOTH SALES

A BEGINNER’S GUIDE TO CERTIFICATES OF DIVESTITURE



U.S. Office of Government Ethics

From: [Griffo, Shannon](#)
To: [Raymond, Kelley](#); [Clarke, Victoria](#)
Subject: RE: Integrity report question
Date: Wednesday, May 06, 2020 11:24:00 AM

And we definitely appreciate that you proactively and consistently reach out to us with your ethics questions. We are always available and more than happy to provide you with guidance!

For your spouse's new employer, you should be mindful of any underlying assets in his 401k when he starts work. Those will also be reported on your next 278. (b) (6)

And if something does arise, feel free to check in with us.

And yes, (b) (6)

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, May 04, 2020 1:42 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Integrity report question

Thank you for the reminder on the recusal – that is correct. But I'm of course always trying to stay on the right side of things!

My husband took a position with (b) (6)

To be honest, I know of no business they have in front of the agency and have had no dealings with them, or any of their competition, thus far in my time at OAR. But happy to acknowledge that I have not and will not participate in any particular matter involving specific parties in which your spouse's employer is a party or represents a party.

I'll ensure the next financial update which requires any disclosure of the financial side of it is updated to reflect this properly as well.

And thanks on (b) (6)

(b) (6)

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, May 4, 2020 10:26 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Integrity report question

Hi Kelley,

You'll recall that we didn't draft a formal recusal statement for you. Instead, I sent you that cautionary note on January 14, 2020, which summarized your recusal obligations. I still don't think we need to formalize any kind of recusal for you, so long as you are mindful of your new ethics obligations once your husband starts his new job. However, I'd want to know whether this company is one that regularly does business with the Agency, such that it might come up in the course of your OAR work. (b) (5)

But as Victoria mentioned below, you will have a financial conflict of interest with your spouse's new employer. Your recusal obligations depend on the type of interest that he has in the company (e.g., direct ownership in company through stock versus indirect ownership through pension plan). But you will also have a "covered relationship" with your spouse's employer under the federal impartiality standards - which means you cannot participate in any particular matter involving specific parties in which your spouse's employer is a party or represents a party. See 5 C.F.R. § 2635.502. Again, if it's likely that this company will have matters pending before OAR, then we should talk through all this in more detail.

And a random side note, (b) (6)

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics

U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

-----Original Message-----

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Thursday, April 30, 2020 9:41 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Integrity report question

Thanks Victoria!

Shannon - If there's a form I should do to update let me know, or happy to schedule a conversation if better. Whatever would work best on your end. And thank you for the help!

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

-----Original Message-----

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, April 30, 2020 9:36 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Integrity report question

Hi Kelley!

Thanks for checking in!

So for your financial disclosure report, you would not have to amend anything. Next year, you'd update your spouse's employment assets, if there were any changes, as well as account for his new employer. You still need to file periodic transaction reports as usual.

Your recusal statement would need to be updated, however, to reflect the new financial interest imputed to you (your husband's new employer). I have Shannon Griffo CC'd on the email for her awareness, since I believe you worked with Shannon on your current recusal statement.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149

EPA Cell: 202-336-9101

-----Original Message-----

From: Raymond, Kelley <Raymond.Kelley@epa.gov>

Sent: Wednesday, April 29, 2020 7:21 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Integrity report question

Victoria-

One question I had, in light of the fact that (b) (6), is any amendments I may need to make to my Integrity disclosures, or recusal statements or otherwise regarding a new employer he has. (b) (6)

I want to ensure I take any necessary steps to properly disclose that as necessary.

Appreciate the guidance!!

Kelley Raymond

Sent from my iPhone

From: [Raymond, Kelley](#)
To: [Clarke, Victoria](#)
Subject: RE: integrity update requests
Date: Thursday, April 23, 2020 1:52:51 PM

Victoria-

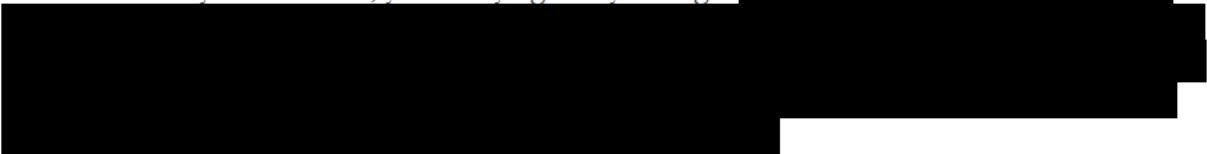
I appreciate the additional guidance as always! Yes, that's exactly what I mean. I will go ahead and complete the verification on the report for you today. Thank you for the help!

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, April 23, 2020 11:55 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: RE: integrity update requests


Hi Kelley!

If I understand your situation, you're saying that you might (b) (6)



That totally helps clarify things for me! Because per OGE, for the income thresholds, you are supposed to aggregate your interests with those of your spouse and your dependent children. So you're right, you would have to report the assets, because all together they're above \$1,000. You wouldn't necessarily have to break it up per child or by spouse, since we're looking at the total value of all the assets.

So if I've made a note somewhere that an asset is below the reporting threshold, but in reality you've just (b) (6)



just submit the report back to me and I shall certify!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Raymond, Kelley <Raymond.Kelley@epa.gov>

Sent: Wednesday, April 22, 2020 4:20 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: integrity update requests

Victoria-

Thanks for the comments in the system – I've been working to address. Wanted to ask for those items which were flagged as below the threshold for reporting – I had thought if purchases were made they needed to be reported within 30 days. And for things especially where I purchased over the threshold (1000), but say it's (b) (6) it was put in my report as two different lines, but I assumed those would require reporting.

Just want to be sure I'm on the right side of things as we make purchases! So just a little direction there before I delete the three lines which state they're below the threshold as they are either a new account which (b) (6)

Appreciate the additional guidance!

Kelley Raymond

Senior Advisor for the Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-2949
Cell: 202-924-3385
raymond.kelley@epa.gov

From: [Fugh, Justina](#)
To: [Raymond, Kelley](#)
Subject: RE: Integrity.gov: Filing Reminder Assignment
Date: Tuesday, January 21, 2020 11:36:00 AM
Attachments: [When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx](#)
[Advisory to all 278 filers about filing fee.pdf](#)

Hi Kelley,

This notification that you received is a reminder that, on a monthly basis, you need to report any transactions of stocks or bonds over \$1000 (see attached reminder). Because we worry about our filers remembering that monthly obligation (and the fact that they can be fined \$200 for a late notification), we send out that monthly reminder you received.

With respect to your question about another OGE 278 submission in INTEGRITY, don't worry. Your appointment date was after November 1, so what we have will suffice for all of CY 2020. Your next report will be due in 2021.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Raymond, Kelley
Sent: Tuesday, January 21, 2020 8:37 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Integrity.gov: Filing Reminder Assignment

Justina-

I wanted to ask, with my filing only just being accepted in the last week or two, will I need to do an annual update to the Integrity form already? Happy to do so if required, but it seemed odd given the timing so wanted to check. Thanks so much!

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>
Sent: Monday, January 20, 2020 11:27 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Integrity.gov: Filing Reminder Assignment

This notice is a reminder that your 2020 Periodic Transaction report is due on 02/05/2020. Remember, there's no penalty for filing early. More importantly, filing your report will stop these annoying reminders.

You may access the report by logging into Integrity at <https://integrity.gov>. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov. You need to give a reason (e.g., workload, travel, need to gather materials) and say whether you need 45 or 90 additional days.

Also, check out our intranet site in INTEGRITY for more information:

<http://intranet.epa.gov/ogc/Integrity/Landingpage.html>

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form,

see: <https://www2.oge.gov/Web/278eGuide.nsf>

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

From: [Griffo, Shannon](#)
To: [Raymond, Kelley](#)
Subject: RE: Investment follow up
Date: Tuesday, November 26, 2019 9:04:00 AM

Hi Kelley,

I appreciate the quick follow-up! I'll take a look and circle back if I see anything that needs to be flagged. In the meantime, let me know if you didn't get assigned a New Entrant Report (public financial disclosure form) in Integrity. Justina's November 6th email has some helpful hints on filling out the form.

Hope you have a Happy Thanksgiving!

Thanks again,

Shannon

Shannon Griffo

Ethics Attorney

Office of General Counsel, Ethics

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Raymond, Kelley <Raymond.Kelley@epa.gov>

Sent: Monday, November 25, 2019 3:41 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Investment follow up

My apologies – we missed one! Updated sheet attached.

Kelley Raymond

Office of Air and Radiation

U.S. Environmental Protection Agency

From: Raymond, Kelley

Sent: Monday, November 25, 2019 3:33 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: Investment follow up

Shannon-

To follow up on our call earlier, here's a more detailed breakdown of the investments you mentioned. I understand they all need to be entered to Integrity, but just to give you all an advance view in case there's any issues you want to flag. If you have any questions please let me know. Thank you!

Kelley Raymond

Senior Advisor for the Office of Air and Radiation

U.S. Environmental Protection Agency

Office: 202-564-2949

Cell: 202-924-3385

raymond.kelley@epa.gov

From: [Raymond, Kelley](#)
To: [Griffo, Shannon](#)
Subject: Investment follow up
Date: Monday, November 25, 2019 3:33:12 PM
Attachments: [investments Kelley.xlsx](#)

Shannon-

To follow up on our call earlier, here's a more detailed breakdown of the investments you mentioned. I understand they all need to be entered to Integrity, but just to give you all an advance view in case there's any issues you want to flag. If you have any questions please let me know. Thank you!

Kelley Raymond

Senior Advisor for the Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-2949
Cell: 202-924-3385
raymond.kelley@epa.gov

From: [Keith, Jennie](#)
To: [Raymond, Kelley](#)
Subject: Re: invitation review
Date: Tuesday, December 03, 2019 9:31:46 AM

Kelley, Permissible and acceptable! I will write back more formal guidance today. Thank you!
Jennie

Sent from my iPhone

On Dec 3, 2019, at 9:15 AM, Raymond, Kelley <Raymond.Kelley@epa.gov> wrote:

Jennie-

Wanted to check back on this, with the date coming up this Thursday. If I sent to you in error and I should work with someone else, please let me know. Thanks!!

Kelley Raymond

Office of Air and Radiation

U.S. Environmental Protection Agency

From: Raymond, Kelley

Sent: Monday, November 25, 2019 2:29 PM

To: Keith, Jennie <Keith.Jennie@epa.gov>

Subject: invitation review

Jennie-

I wanted to check in on an invitation and my ability to attend with my spouse. If this should go to another individual within OGC please accept my apologies and forward as needed.

My spouse was invited to a holiday party (attached/below) to occur on December 5.

(b) (6)

The

Congressman is retiring at the end of the term so this is their farewell holiday party, and he invited the previous fellows and families to attend.

Any additional information you may need, please don't hesitate to ask! Appreciate your assistance-

From: Oliver, Brooke <Brooke.Oliver@mail.house.gov>

Sent: Monday, November 4, 2019 4:55:40 PM

To: Oliver, Brooke <Brooke.Oliver@mail.house.gov>

Subject: Conaway Christmas Invitation

WHEN: Thursday, December 5th, 6:30pm-9:30pm

WHERE: Sonoma Restaurant and Wine Bar, 223

Pennsylvania Ave SE – 2nd Floor

Please RSVP your attendance by replying to this email.

*Spouses & significant others welcome – must be RSVP'd

We'd love for you to participate in a video project for Congressman Conaway, so please bring your favorite KMC story (funny, heartfelt, impactful, etc.) to share.

We look forward to seeing everyone there!

<unnamed.png>

From: [Fugh, Justina](#)
To: [Raymond, Kelley](#)
Cc: [Keith, Jennie](#)
Subject: RE: Join Us: ACC Advocacy Team Reception
Date: Wednesday, February 12, 2020 4:58:00 PM
Attachments: [image001.jpg](#)

Hi Kelley,

This note confirms our oral conversation earlier today that you are cleared to attend this event, sponsored by the American Chemistry Council, which is a federally registered lobbyist. You are, however, not a political appointee required to sign the pledge but instead an AD appointee. Thus, we can apply the widely attended gift exception to this invitation as I understand that more than 200 people representing a diversity of interests and sectors have been invited to attend. So go and have fun with your husband, who is not an EPA employee and who received his own invitation, and know that you won't have to report the value of the free attendance on any financial disclosure report (because it's below the reporting threshold).

Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460
(for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Raymond, Kelley
Sent: Wednesday, February 12, 2020 4:07 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Join Us: ACC Advocacy Team Reception
Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Raymond, Kelley
Sent: Monday, February 10, 2020 9:55 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Join Us: ACC Advocacy Team Reception
Jennie-

Wanted to ping on this one, as the event is in a couple days. Appreciate your help with reviewing!!
Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Raymond, Kelley
Sent: Thursday, February 6, 2020 11:50 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: Join Us: ACC Advocacy Team Reception
Jennie-

Wanted to check in for an ethics determination on the invitation I received below. I am an AD, and the invitation is due to a longstanding personal relationship with the individual who sent it.
Appreciate the help in reviewing!
Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Eisenberg, Ross <Ross_Eisenberg@americanchemistry.com>
Sent: Wednesday, February 5, 2020 5:22 PM
To: Eisenberg, Ross <Ross_Eisenberg@americanchemistry.com>
Subject: Join Us: ACC Advocacy Team Reception

Friends,

We have some new hires here at the American Chemistry Council (including me) and we're having a reception on February 12 to introduce all the new faces. I hope you can join us. To attend, please RSVP to the address in the invitation below (rsvp@americanchemistry.com).

I look forward to working with you in my new role here at ACC.

Ross Eisenberg | American Chemistry Council
Vice President, Federal Affairs
Ross_Eisenberg@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
[\(b\) \(6\)](#)
www.americanchemistry.com

cid:E9700A11-C70B-4B80-96F1-F062EAA77B8B



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American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

From: [Raymond, Kelley](#)
To: [Fugh, Justina](#)
Cc: [Clarke, Victoria](#); [Griffo, Shannon](#)
Subject: Re: Your ethics obligations
Date: Thursday, November 07, 2019 6:27:25 AM

Thank you very much Justina! Everyone's been welcoming and I'm finding my way around.

As an aside I wanted to mention that I was able to attend OAR Senior Staff on Tuesday and meet the various program directors. I let them know of the subjects we discussed which I would be precluded from working on. Additionally, Anne has drafted what the division of the portfolio of OAR could look like, and they've kept me well away from anything that would deal with refrigerants(both SNAP and 608), any of the international efforts such as Montreal Protocol implementation, as well as energy star.

I'll work on this report for you. And if you had any notes for me in the meantime from the spreadsheet of anything I should be additionally careful of, please just let me know.

With thanks!

Kelley

Sent from my iPhone

On Nov 6, 2019, at 6:07 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Welcome to EPA and the wonderful world of public financial disclosure reporting! I understand that you recently started as a Senior Advisor in the Office of Air and Radiation in an Administratively Determined (AD) position. Congratulations! You are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report because you are in this type of position. Your "new entrant" report is due no later than 30 days from your effective date, which was 11/3/19, but we will set your due date 30 days from now. Your report will be due 12/6/19. EPA uses an entirely electronic filing system (called INTEGRITY) for the public financial disclosure reports. This system is operated and secured by the Office of Government Ethics. You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave, you will have to file a termination report (we'll remind you); and (4) you will be subject to a late filing fee of \$200 for not filing your report timely. Plus, there are also civil and criminal penalties for failure to file at all or

for inaccurate reporting.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the deadline (and you still have to file that report). In addition, you can be fined for not reporting periodic transactions of stocks and bonds. PLEASE pay attention to the filing deadlines and review the attached documents. If you need an extension, then you must ask before the deadline expires. There is a limit to how much additional time you may receive.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

We created an account for you in INTEGRITY and have assigned you a "new entrant" report. If you are asked to provide an address, use the EPA business address. Do not enter your personal home address. Your filer category is "Schedule C." For help in INTEGRITY, check out the Office of Government Ethics' [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for messages from INTEGRITY.gov, or contact ethics@epa.gov so that we can follow up.

DEADLINE FOR SUBMITTING THE FORM

INTEGRITY will give you 30 days to complete the form. If you need additional time, you must contact me directly. There is a limit to how much additional time we can give you before you are subject to late fees, so please pay attention to this requirement.

HELPFUL HINTS FOR FILLING OUT THE FORM

<!--[if !supportLists]-->•<!--[endif]-->This is a wretched and exacting form, so just know that you will have to provide a lot of information.

<!--[if !supportLists]-->•<!--[endif]-->You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.

<!--[if !supportLists]-->•<!--[endif]-->You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.

<!--[if !supportLists]-->•<!--[endif]-->Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).

<!--[if !supportLists]-->•<!--[endif]-->For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.

<!--[if !supportLists]-->•<!--[endif]-->Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information

<!--[if !supportLists]-->•<!--[endif]-->If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.

<!--[if !supportLists]-->•<!--[endif]-->If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.

<!--[if !supportLists]-->•<!--[endif]-->Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.

<!--[if !supportLists]-->•<!--[endif]-->If you have nothing to report in a section, be sure to click the "nothing to report" button

<!--[if !supportLists]-->•<!--[endif]-->Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

OTHER ETHICS REQUIREMENTS FOR YOU

STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised chart, also attached. Remember, you are responsible for reporting transactions, even if you have a managed account. You can be fined for a tardy periodic transaction

report.

HATCH ACT

You are “lesser restricted” under the Hatch Act. During your new employee orientation, we’ll go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our online [Hatch Act training course](#) or check out our attached handy chart that reminds you of your restrictions.

ETHICS TRAINING

Victoria Clarke (564 1149) will contact you so that she can give you the new employee training soon. That training will also meet your annual training requirement for 2019. Next year, you’ll need to take annual training online. Don’t worry. We’ll let you know and remind you!

RECUSALS

Shannon Griffo (564 7061) will work with you to frame your recusal issues, particularly given your former lobbying activities.

You’re in excellent hands, and welcome to EPA!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<When to Report Transactions on the OGE 278 and Part 7 - May 2019.docx>

<Advisory to all 278 filers about filing fee.pdf>

<Hatch Act chart February 2017.docx>

From: [Fugh, Justina](#)
To: [Raymond, Kelley](#)
Cc: [Clarke, Victoria](#); [Griffo, Shannon](#)
Subject: Your ethics obligations
Date: Wednesday, November 06, 2019 6:07:00 PM
Attachments: [When to Report Transactions on the OGE 278 and Part 7 - May 2019.docx](#)
[Advisory to all 278 filers about filing fee.pdf](#)
[Hatch Act chart February 2017.docx](#)

Hi there,

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EPA uses an entirely electronic filing system (called INTEGRITY) for the public financial disclosure reports. This system is operated and secured by the Office of Government Ethics. You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave, you will have to file a termination report (we'll remind you); and (4) you will be subject to a late filing fee of \$200 for not filing your report timely. Plus, there are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

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It's worth repeating that you can be fined \$200 for not meeting the deadline (and you still have to file that report). In addition, you can be fined for not reporting periodic transactions of stocks and bonds. PLEASE pay attention to the filing deadlines and review the attached documents. If you need an extension, then you must ask before the deadline expires. There is a limit to how much additional time you may receive.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

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[HELPFUL HINTS FOR FILLING OUT THE FORM](#)

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

OTHER ETHICS REQUIREMENTS FOR YOU

STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are

required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised chart, also attached. Remember, you are responsible for reporting transactions, even if you have a managed account. You can be fined for a tardy periodic transaction report.

HATCH ACT

You are “lesser restricted” under the Hatch Act. During your new employee orientation, we’ll go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our online [Hatch Act training course](#) or check out our attached handy chart that reminds you of your restrictions.

ETHICS TRAINING

Victoria Clarke (564 1149) will contact you so that she can give you the new employee training soon. That training will also meet your annual training requirement for 2019. Next year, you’ll need to take annual training online. Don’t worry. We’ll let you know and remind you!

RECUSALS

Shannon Griffo (564 7061) will work with you to frame your recusal issues, particularly given your former lobbying activities.

You’re in excellent hands, and welcome to EPA!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service